IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.234-M of 2007

DATE OF DECISION: FEBRUARY 27, 2007

Gurbhej Singh and others

...PETITIONERS

VERSUS

Avinash Rani and another

...RESPONDENTS

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr.Ashwani Talwar, Advocate,
for petitioner No.3.
Mr.P.P.S. Duggal, Advocate,
for respondent No.1.
Mr.N.S.Gill, AAG, Punjab,
for respondent No.2.

...

Initially, this petition was filed by three petitioners for grant of anticipatory bail in complaint No.153/01, pending in the Court of SDJM, Fazilka in which the accused petitioners were summoned under Sections 366/376/120-B IPC.

I have heard the counsel for the parties and gone through the record of the case.

In the aforesaid complaint, it has been alleged that petitioner No.1 committed rape thrice upon the complainant against her consent in a room, where she was taken by petitioner No.2. Thereafter, petitioner No.2 also committed rape upon the complainant. As per the allegations, the complainant was having love affairs with one Sat Pal Singh alias Rajbir, who was nabbed by the police of police station Jalalabad and during his personal search, photographs of the complainant were found. On the basis of the said photographs, petitioner No.2 took the complainant to the police station and thereafter to a room where she was raped by petitioners No.1 and 2. In her preliminary evidence, the complainant led sufficient evidence which prima facie disclosed commission of offence under Sections 366/376/120-B IPC.

On the last date of hearing, this Court vide order dated January 8, 2007 dismissed this petition for anticipatory bail qua petitioners No.1 and 2, and notice of motion was issued only qua petitioner No.3.

Counsel for the petitioner contends that the allegation against petitioner No.3, who is a lady, is that at one point of time, petitioner No.2 had taken the prosecutrix to her house, but the alleged rape was not committed in her house. Counsel contends that the allegations against petitioner No.3 fall only under Section 120-B IPC. Counsel further contends that in terms of the interim order, petitioner No.3-Suman Sachdeva has appeared before the trial court and furnished her regular bail bonds which have been accepted and attested and since then she is regularly appearing. This fact has not been disputed by the counsel for the respondent-State.

In view of the above, the interim order dated January 8, 2007 with regard to petitioner No.3-Suman Sachdeva is made absolute.

Disposed of accordingly.

February 27, 2007 (SATISH KUMAR MITTAL)
vkg JUDGE